

United States District Court
NORTHERN

DISTRICT OF

CALIFORNIA

FILED
JUN 29 2007
RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

THOMAS RICHARD WILLIAMS and
RAFAEL MIRANDA

CRIMINAL COMPLAINT

CASE NUMBER:

07-70388 WDB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 28, 2007 in Contra Costa county, in the

Northern District of California defendant(s) did, (Track Statutory Language of Offense)
conspire to commit any offense against the United States as set forth in 26 USC 5861(d) + (i).

in violation of Title 18 United States Code, Section(s) 371.

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following

facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes NoApproved
As To
Form:

AUSA: Michelle Morgan-Kelly

Name/Signature of Complainant: Doug Hunt

Sworn to before me and subscribed in my presence,

6/29/07

Date

at

Oakland, California

City and State

Hon. Wayne D. Brazil
United States Magistrate Judge
Name & Title of Judicial Officer

This form was electronically produced by Elite Federal Forms, Inc.

Signature of Judicial Officer

1 UNITED STATES DISTRICT COURT)
2 NORTHERN DISTRICT OF CALIFORNIA) ss:
3
4

AFFIDAVIT IN SUPPORT OF COMPLAINT

5 I, Doug Hunt, Special Agent of the Federal Bureau of Investigation, being duly sworn,
6 hereby declare as follows:

7 **I. INTRODUCTION**

8 1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have
9 been so employed since October of 1995. I am currently assigned to the Violent Crimes
10 and Major Offender Squad at the Oakland Resident Agency, San Francisco Field Office,
11 where my responsibilities involve the investigation of gangs, narcotics trafficking and
12 firearms offenses. During my tenure in the FBI, I have been involved in numerous
13 investigations involving the illegal possession and use of firearms. I have participated in
14 physical and electronic surveillance and undercover transactions, executed search
15 warrants, and reviewed recorded countless conversations of individuals involved in the
16 illegal use of firearms. As a federal agent, I am authorized to investigate violations of
17 laws of the United States and am a law enforcement officer with authority to execute
18 warrants issued under the authority of the United States.

19 **II. PURPOSE OF AFFIDAVIT**

20 2. This affidavit is being submitted in support of a criminal complaint and arrest warrants.
21 As set forth below, there is probable cause to believe that THOMAS RICHARD
22 WILLIAMS and RAFAEL MIRANDA have violated 18 U.S.C. § 371, conspiracy, by
23 conspiring to receive or possess unregistered handguns and silencers with obliterated
24 serial numbers in violation of 26 U.S.C. §§ 5861(d) and (i).

1 3. This affidavit is submitted for the limited purpose of securing the requested complaint
2 and arrest warrants, and therefore, I have not included each and every fact known to me
3 concerning this investigation. I have set forth only the facts that I believe are necessary to
4 establish probable cause to believe that a violation of 18 U.S.C. § 371 has occurred.
5

6 **III. STATUTORY AUTHORITY**

7 4. 18 U.S.C. § 371 makes it a crime for two or more persons to conspire to commit any
8 offense against the United States, and for one or more of such persons do any act to effect
9 the object of the conspiracy.
10

11 5. 26 U.S.C. § 5861(d) makes it a crime to receive or possess a firearm which is not
12 registered to him in the National Firearms Registration and Transfer Record.
13

14 6. 26 U.S.C. § 5861(i) makes it a crime to receive or possess a firearm which is not
15 identified by a serial number as required by Chapter 53.
16

17 7. 18 U.S.C. § 921(a)(3) defines "firearm" to include "(A) any weapon (including a starter
18 gun) which will or is designed to or may readily be converted to expel a projectile by the
19 action of any explosive; (B) the frame or receiver of any such weapon; (C) any firearm
20 muffler or firearm silencer; or (D) any destructive device."

21 8. 18 U.S.C. § 921(a)(24) defines a "firearm silencer" to mean "any device for silencing,
22 muffling or diminishing the report of a portable firearm, including any combination of
23 parts, designed or redesigned, and intended for use in assembling or fabricating a firearm
24 silencer or firearm muffler, and any part intended only for use in such assembly or
25 fabrication."
26

27 //
28

1 **IV. PROBABLE CAUSE**

2 **Background on CW-1**

3 9. In April, 2007, Detective Michael P. Brown of the Oakland Police Department told me
4 that within the preceding several months, he had received information from a cooperating
5 witness (hereafter referred to as "CW-1") concerning THOMAS RICHARD WILLIAMS.
6 Detective Brown has known CW-1 for several years. During that time, Detective Brown
7 is not aware of any instances in which CW-1 has provided false information. Detective
8 Brown considers the information provided by CW-1 to be reliable, however, his
9 information has rarely been used in investigations because it typically has not related to
10 criminal activity.

13 10. Since April 2007, I have met with CW-1 on dozens of occasions. I have confirmed the
14 information CW-1 has given me on those occasions. I am not aware of any occasion on
15 which CW-1 has provided false information. I consider the information provided by CW-
16 1 to be reliable. During the time I have known CW-1, the FBI has paid CW-1
17 approximately \$150 for expenses. I have reviewed CW-1's criminal history. CW-1 was
18 convicted of a misdemeanor in 2002 for tampering with a vehicle.
19

20 **Information from CW-1 regarding "THOMAS RICHARD WILLIAMS"**

22 11. CW-1 indicated that he has known WILLIAMS for nine years. CW-1 was able to identify
23 WILLIAMS from a photographic lineup conducted by Detective Mike Brown on March
24 26, 2007.
25 12. CW-1 indicated that he/she is in frequent contact with WILLIAMS via telephone. CW-1
26 indicated that in telephonic conversations with WILLIAMS in March 2007, WILLIAMS
27 began asking CW-1 about firearms. WILLIAMS told CW-1 he had acquired a .357
28 revolver and a .45 caliber semiautomatic pistol, but they were too large to accommodate

1 "suppressors." WILLIAMS told CW-1 that he needed two .22 caliber semiautomatic
2 handguns with silencers. WILLIAMS specified that he wanted the suppressors
3 "machined into the barrels" and provided some specifications. WILLIAMS specifically
4 asked if CW-1 could get them for him. CW-1 indicated he told WILLIAMS that he
5 might be able to comply with the request.

6 13. WILLIAMS told CW-1 he needed these type of weapons outfitted with suppressors for a
7 specific purpose. From their conversation, CW-1 believed that WILLIAMS was planning
8 to use these weapons in a robbery/homicide. WILLIAMS told CW-1 that WILLIAMS
9 and an unknown subject, possibly a "high risk financier" or loan shark from Southern
10 California, were planning to meet a money courier in Florida. CW-1 also believed from
11 his conversations with WILLIAMS that the money courier would be coming to the
12 meeting from outside of the United States. CW-1 believed that WILLIAMS and the loan
13 shark were planning to rob and kill the money courier. CW-1 did not know the identity of
14 the loan shark.

15 14. CW-1 did not know exactly when WILLIAMS and the loan shark were planning to
16 commit this offense, but believed it would occur within two weeks. CW-1 sensed an
17 urgency in the requests by WILLIAMS to obtain the suppressed weapons. CW-1
18 believed WILLIAMS was just waiting to acquire the silenced handguns and that the
19 offense would occur shortly thereafter. WILLIAMS invited CW-1 to participate with him
20 in the robbery in order for him to "make some big money." WILLIAMS told CW-1 that
21 "four people may be going to this meeting, but only three will be leaving."

22 15. CW-1 said that WILLIAMS called him on March 25, 2007 and reemphasized his need for
23 two .22 caliber suppressed semi-automatic handguns.

24 16. On March 30, 2007, CW-1 placed a consensually monitored and recorded telephone call
25 to (619)980-6364, the number at which he typically contacted WILLIAMS. In this call,
26 CW-1 told WILLIAMS that he thought he/she would be able to provide two handguns.
27 CW-1 indicated the handguns would be either Walthers or Berrettas. CW-1 also
28 indicated the cost for the two weapons would be \$5,000. WILLIAMS indicated this

1 amount would be fine, but he would talk to his partner that night and would call CW-1
2 the following day. CW-1 indicated that he would be interested in making some of the big
3 money that WILLIAMS mentioned previously. WILLIAMS agreed and said that CW-1
4 had the "sand" for that type of work and that WILLIAMS would be there with CW-1.
5 CW-1 asked what would be required. WILLIAMS replied that he would be in the Bay
6 area the following week and they would talk about it then. WILLIAMS reiterated that he
7 would be in the Bay area to give CW-1 the money.

- 8 17. On March 31, 2007, CW-1 received a phone call from (619)980-6364, the number he
9 associated with WILLIAMS. This phone call was also consensually recorded. In this
10 call, WILLIAMS asked CW-1 what type of handguns he could provide. CW-1 indicated
11 they would be either Walther's or Berrettas. WILLIAMS asked which one of those he
12 would recommend. CW-1 indicated that either would be good. WILLIAMS indicated
13 that he would talk to his partner the following Monday and he would call CW-1 back on
14 Tuesday (April 3, 2007). WILLIAMS indicated that he would pick the guns up from
15 CW-1 in the Bay Area.
- 16 18. Throughout the month of April, 2007, additional monitored phone calls were made during
17 which CW-1 and WILLIAMS further discussed the arrangement for WILLIAMS to pay
18 CW-1 \$5,000 for two silenced handguns. During at least one of these calls, WILLIAMS
19 indicated that he wanted the serial numbers removed from the weapons.

20 **Delivery of \$5,000 by THOMAS WILLIAMS to CW-1 on May 6, 2007**

- 21 19. On May 6, 2007, CW-1 placed two consensual monitored telephone calls to WILLIAMS
22 at (619)980-6364 in the presence of SA Ken Bagchi. The purpose of these phone calls
23 was to ascertain when WILLIAMS would be arriving at the Harris Ranch Restaurant near
24 Coalinga, California, the meet location arranged by CW-1 and WILLIAMS for the
25 exchange of the money. Prior to the meeting, CW-1 was searched for weapons,
26 contraband, and money with negative results. In addition, the FBI vehicle in which he
27 was to travel to the meet location, which was equipped with audio and video recording
28 devices, also was searched with negative results. CW-1 was provided with photographs

1 of two silenced handguns.

2 20. At approximately 11:49 a.m., I observed WILLIAMS arrive at the Harris Ranch
3 Restaurant and enter the restaurant. I observed CW-1 go into the restaurant, emerge a
4 short time later with WILLIAMS, walk to the FBI vehicle with WILLIAMS, drive a short
5 distance with WILLIAMS, and park next to WILLIAMS' vehicle. A short time later,
6 WILLIAMS got into his vehicle and left.

7 21. Upon returning to the debriefing location, CW-1 once again was searched with negative
8 results. The recording devices were recovered from the FBI vehicle and subsequently
9 placed into evidence. Additionally, CW-1 directed agents to \$6,000 in cash in the
10 console of the vehicle. The \$6,000 in cash provided to CW-1 by WILLIAMS was
11 photographed in place and then recovered from the center console of the FBI vehicle.

12 22. CW-1 told me that when WILLIAMS arrived at the restaurant, they spoke about
13 individuals they knew in common and football. CW-1 stated that he then gave
14 WILLIAMS a ride to his car in the restaurant parking lot. WILLIAMS stated that the car
15 belonged to his partner. WILLIAMS said he met his partner when he was coaching
16 football at Midway Baptist High School, where his partner had been a student.
17 WILLIAMS indicated that his partner would be providing details about the anticipated
18 robbery.

19 23. WILLIAMS also indicated the robbery would be for approximately \$7,000,000 and
20 would take place within a month. WILLIAMS told CW-1 that he could make \$40,000 for
21 one night of work.

22 24. According to CW-1, while in the FBI vehicle, WILLIAMS looked at the photographs of
23 silenced pistols provided by CW-1. Thereafter, WILLIAMS gave CW-1 \$6,000; \$5,000
24 for two silenced .22 caliber pistols and \$1,000 for a previous debt.

25 25. I have reviewed the audio and video recording made of the transaction on May 6, 2007.
26 The recording clearly shows WILLIAMS looking at pictures of two silenced pistols that I
27 provided to CW-1, and clearly shows WILLIAMS giving CW-1 a large amount of cash.

28 //

1 **Description of Weapons for Controlled Delivery**

- 2 26. In anticipation of providing the silenced weapons to WILLIAMS and his partner, I
3 obtained from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) three
4 weapons matching the specifications provided by WILLIAMS. In so doing, I also
5 discussed the specifications of the firearms with ATF Special Agent Thomas
6 Cunningham, who is a firearms interstate nexus expert and has been so qualified to testify
7 in the Northern and Eastern Districts of California. The weapons to be provided to
8 WILLIAMS and his partner were as follows:
- 9 a. Two .22 caliber Ruger semi-automatic pistols with affixed silencers. The serial
10 numbers had been obliterated from the pistols and the silencers had no serial
11 numbers.¹
- 12 b. One .22 caliber Walther semi-automatic pistol with a detachable silencer. Both the
13 pistol and the silencer bore serial numbers.
- 14 27. SA Cunningham confirmed that none of these weapons or silencers are registered in the
15 National Firearms Registration and Transfer Record.
- 16 28. I have spoken with SA Cunningham regarding the location of manufacture for these
17 weapons. According to SA Cunningham, Ruger pistols are manufactured in either
18 Arizona or Connecticut. Walther pistols are manufactured in Alabama. The affixed
19 silencers were hand-fashioned from pieces of metal tubing.

20 **Arrest of WILLIAMS and MIRANDA on June 28, 2007**

- 21 29. During monitored telephone conversations between CW-1 and WILLIAMS during May,
22 2007, arrangements were made for CW-1 to deliver the silenced weapons to WILLIAMS.
23 WILLIAMS indicated that his partner would accompany him when he received the

24
25
26 ¹ These pistols were seized by the ATF in a prior criminal investigation. At the time of
27 their seizures, the serial numbers had been obliterated and they had been permanently affixed
28 with silencers, which also bore no serial numbers. For ATF internal tracking purposes in order to
use the handguns and silencers in this and other undercover operations, the ATF placed their own
tracking numbers on the interior of the weapons. These numbers can only be seen if the weapons
are disassembled.

1 weapons. After some deliberation about the location of the exchange, WILLIAMS and
2 CW-1 agreed that WILLIAMS and his partner would drive to the Bay Area to receive the
3 weapons. CW-1 also told WILLIAMS that they could conduct a potential robbery in the
4 Bay Area. WILLIAMS indicated he had a potential robbery target in San Diego.

5 WILLIAMS indicated that he and his partner would drive to the Bay Area from Southern
6 California, rather than fly, to avoid leaving a paper trail.

7 30. At my direction, CW-1 made hotel arrangements for WILLIAMS and his partner at the
8 Doubletree Inn in Livermore, California for the evening on June 27, 2007. At
9 approximately 9:30 p.m. on June 27, 2007, CW-1 received a call from WILLIAMS'
10 telephone number from a person who identified himself as "RAFAEL." RAFAEL asked
11 for directions to the hotel and indicated that he and WILLIAMS were just north of San
12 Clemente and would be arriving early on the morning of June 28, 2007.

13 31. At approximately 10:00 a.m. on June 28, 2007, CW-1 placed a telephone call to
14 WILLIAMS and asked him to meet at a restaurant in Crockett, California, in Contra
15 Costa County. CW-1 said he had "presents" for WILLIAMS and that the restaurant was
16 near the residence of the potential robbery target that they previously had discussed. CW-
17 1 was equipped with an audio recording device and was searched for money, weapons
18 and contraband with negative results. CW-1 again was provided with the FBI vehicle,
19 which was equipped with an audio and video recording device, and was instructed to go
20 to the restaurant. He also was provided with a box containing three silenced handguns,
21 including two Rugers and one Walther pistol fitted with silencers.

22 32. At approximately 11:15 a.m., surveillance units observed WILLIAMS and another male
23 arrive in a silver Mercedes at the Nantucket Restaurant in Crockett, California. A short
24 time later, CW-1 was observed meeting with those individuals and entering the
25 restaurant. Undercover officers in the restaurant observed CW-1, WILLIAMS, and the
26 other male eat a meal together. CW-1, WILLIAMS, and the other male later emerged
27 from the restaurant and sat in the FBI vehicle in the restaurant parking lot.

28 33. While they were in the vehicle, I observed CW-1 retrieve the box containing the three

1 silenced weapons from the rear of the vehicle and take it into the passenger compartment.
2 Over the audio recording device, I heard CW-1 say that these were the silenced weapons
3 they had requested and that the serial numbers had been removed as they had requested.
4 CW-1 also stated that a third weapon had been provided as a "bonus." CW-1 specifically
5 pointed out that unlike the Rugers, the third "bonus" weapon, the Walther, had not had its
6 serial numbers removed.

7 34. I heard WILLIAMS say, "These will work," and tell CW-1 he had done a "good job"
8 obtaining the weapons. I heard the other male state that he had information about large
9 amounts of cash being transferred from Atlanta, Georgia, to the West Coast. Thereafter,
10 WILLIAMS told CW-1 that he wanted to go take a look at the residence of the potential
11 robbery target. CW-1 asked if they wanted to transfer the weapons to their vehicle, and
12 WILLIAMS said they were fine where they were. As CW-1 pulled the FBI vehicle out of
13 the parking lot, the three were arrested.

14 35. WILLIAMS later was given his *Miranda* warnings, which he waived. WILLIAMS stated
15 that he had made a big mistake coming to the meeting and "knew better." He stated that
16 the purpose of the meeting was to connect his partner, RAFAEL MIRANDA, with CW-1
17 to arrange the exchange of the firearms. WILLIAMS said MIRANDA wanted to meet
18 CW-1 because MIRANDA believed it was suspicious that CW-1 was stalling on the
19 delivery of the weapons. WILLIAMS admitted that the money already had been paid for
20 the firearms and acknowledged that the weapons were suppressed. WILLIAMS said that
21 suppressed weapons would be very useful for committing robbery and murder.
22 WILLIAMS further admitted he was a felon and was not allowed to possess weapons
23 because he was a felon. He stated that the \$6000 that he paid to CW-1 came from
24 MIRANDA. He was not certain why MIRANDA wanted the weapons. He admitted that
25 he had discussed potential robberies with CW-1, including the potential robbery of a
26 money courier about whom MIRANDA had told him, the Bay Area target identified by
27 CW-1, and an individual in San Diego.

28 36. MIRANDA was given his *Miranda* warnings and waived them. MIRANDA initially

1 claimed that he accompanied WILLIAMS to the Bay Area with the expectation that he
2 would be arranging financing for the purchase of a property for one of WILLIAMS'
3 acquaintances. MIRANDA then admitted that he had accompanied WILLIAMS to meet
4 CW-1. MIRANDA said he previously provided WILLIAMS with \$7000 to purchase two
5 silenced weapons, and that he told WILLIAMS that while MIRANDA would not
6 personally be involved in robberies, he would provide WILLIAMS with information on
7 individuals with large amounts of cash who would be worthy robbery targets.
8 MIRANDA stated that he knew that silenced weapons would be useful for killing people.
9 MIRANDA said he thought that proceeds from the robberies would be split evenly
10 between himself, WILLIAMS, and CW-1. MIRANDA said he knew a robbery would not
11 occur the day they obtained the weapons because he knew that WILLIAMS would want
12 to study the target before taking that type of action. MIRANDA said he believed
13 WILLIAMS was a very dangerous man, and knew he was a twice-convicted felon.

14 Criminal History of THOMAS RICHARD WILLIAMS

15 37. On June 13, 2007, I reviewed a criminal history for WILLIAMS. The criminal history
16 indicates that WILLIAMS was convicted in 1974 of Grand Theft, convicted in 1977 for
17 First Degree Robbery and Conspiracy, and arrested in 1994 for Attempted Robbery. On
18 June 14, 2007, I spoke with San Diego County Deputy District Attorney Glen
19 McCallister. McCallister told me that he prosecuted WILLIAMS following the 1994
20 arrest for attempted robbery, which resulted in an acquittal. McCallister told me that
21 WILLIAMS' 1974 conviction resulted from WILLIAMS stealing cash from the San
22 Diego Police athletic fund while working as a police officer. McCallister also told me the
23 1977 conviction for first degree robbery and conspiracy resulted from a residential
24 burglary which WILLIAMS and another individual conducted while armed.
25 Furthermore, McCallister told me that the 1994 arrest that resulted in an acquittal
26
27
28

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. 371 - Conspiring to commit an offense against the United States

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

5 years imprisonment, 3 years supervised release, \$250,000 fine, \$100 special assessment

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)

FBI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

Michelle Morgan-Kelly

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

THOMAS RICHARD WILLIAMS and RAFAEL MIRANDA

DISTRICT COURT NUMBER

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
 1) If not detained give date any prior summons was served on above charges
 2) Is a Fugitive
 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 5) On another conviction
 6) Awaiting trial on other charges } Fed'l State
 If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year
 June 28, 2007

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS*

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

WARRANT Bail Amount:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1 stemmed from another residential burglary that WILLIAMS was accused of committing
2 while armed.

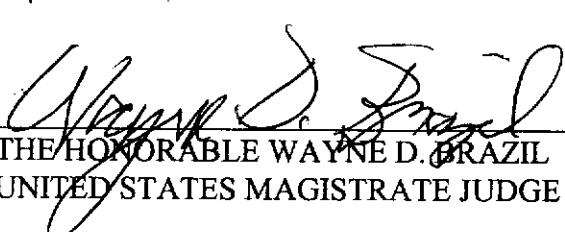
3 **V. CONCLUSION**

4
5 38. For the reason stated above, I believe there is probable cause to support an application
6 for a complaint and arrest warrants for THOMAS RICHARD WILLIAMS and RAFAEL
7 MIRANDA for violating 18 U.S.C. § 371, conspiracy, in that WILLIAMS and
8 MIRANDA conspired to receive and possess the two Ruger .22 caliber semi-automatic
9 handguns with silencers bearing no serial numbers, which were not registered as required
10 by 26 U.S.C. § 5861. I therefore respectfully request that the Court issue the requested
11 arrest warrants.

12
13
14 
15

16 DOUG HUNT
17 Special Agent, Federal Bureau of Investigation

18 Sworn to before me this
19 29 day of June, 2007

20 
21 THE HONORABLE WAYNE D. BRAZIL
22 UNITED STATES MAGISTRATE JUDGE